

REMARKS

This Supplemental Preliminary Amendment is submitted to conform to the present Office Action traversing the Examiner's initial identification of three distinct species.

Applicant has now placed the three claims as one generic claim 26 in Markush expression, as allowed under MPEP 706.03(y). As allowed in Markush group, the group need not belong to one class (re: In re Harnish, 206 U.S.P.Q. (BNA) 300 (C.C.P.A. 1980) and as stated; it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property.

In Landis on Mechanics of Patent Claim Drafting, App. D3-58, If members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all claims on the merits, even though they are directed to independent and distinct inventions. In such case, the examiner [will not follow the above procedure and] will not require restriction.

The group consisting of rollers, wheels and conveyor belts are sufficiently related so as allow for Markush grouping. All incorporate circular rotating structures often used as transport/drive means. Such property in common is in fact mainly responsible for their function; and useful in the combination claimed.

Under MPEP 806.04(f), claims to be restricted to different species must be mutually exclusive. A clear reading of the entire disclosure of the instant application would fail to show any recitation of such limitations with regards to the claims in the instant case. In the specification of the instant application, for example, on page 11, line 13 it is stated that ... "the ribbon could alternatively be pulled over the curling blade 17 by a conveyor belt working against a fixed roller or another belt" ..., it is clear that applicant contemplated by this quoted sentence that either combinations of roller or conveyor belt to be analogous and not distinct inventions. Indeed, a conveyor belt is merely a set of rollers or wheels connected by a band or belt. A mere difference in the opposing structure which merely acts to press the ribbon upon the conveyor belt (thus causing the ribbon to follow the belt and be drawn) does not constitute a distinct species.

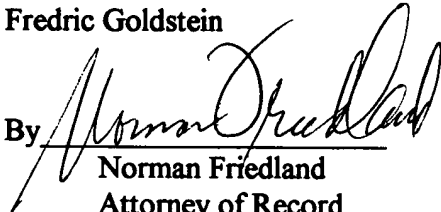
The current claim with said structures acting as drive means which does not require any subsequent structure to prevent jamming finds reference in the specification at page 10, line 1...." Shredded ribbon may be transported by a conveyor 37, as illustrated, to a packing or storage location. The conveyor may be used in place of or in addition to the blower 36..." and on Page 11, line 5..."In place of the blower 36 a fence or other means of stripping the ribbon from wheel 32 could be provided. In some embodiments and with suitable attention to wheel design, the blower may be optional...". Additionally, patent 5,916,081 has one sole claim which claims a conveyor belt as a stripping means, in addition to separate elements in the claim describing drive means. In light of the specification, it is clear that a conveyor belt configuration could work as both the drive means and a stripping means, in that with suitable attention to wheel design no additional separate structure to prevent jamming of the drive means is required.

In view of the foregoing it is believed that this application is in condition for allowance and the allowance thereof is respectfully requested.

Respectively submitted,

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